

SEEKONK ZONING BOARD REGULAR MEETING

MINUTES January 3, 2011

Present: Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and Robert Read

7:00 Chairman Edward F. Grouke called the meeting to order.

This is the meeting of the Town of Seekonk Zoning Board of Appeals, January 3, 2011. First I am going to read the Rules and Regulations. I am going to read each petition as it was advertised and call upon the petitioner or their representative to present their case. All testimony, including the testimony and statements of the petitioner and/or the representatives or witnesses will be taken under oath. We will hear from anyone in the audience to speak either in favor of or against the petitioner or with any questions. At the close of the evidence, we have a discussion and we also usually make a decision on the same night although we are not required to do that. We may take a petition under advisement and give a decision at a later date. It is our practice to decide it on the night of the hearing. It is filed with the town clerk within 14 days. There is an appeal that is available to the Superior Court by the petitioner or other parties who have the proper legal standing. That appeal is governed by very strict time limitations. If anyone is considering an appeal, they have to be very careful to meet the time limitations that are set forth in the law.

Ch. Grouke We have two matters on the agenda tonight, both were heard at the last meeting of December 20, 2010 but on the following day a motion was filed and I will read each of the two petitions that were addressed by that motion. These are two out of six petitions that were heard on December 20, 2010:

2010-21 ALM Supermarkets Three, LLC, 1475 Newman Avenue, Seekonk, MA, Owner, by Stephen E. Navega, Esq., 447 Taunton Avenue, Seekonk, MA, Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Variance and/or Special Permit** under Sections 12.4.2.1, 12.4.2.2, 12.4.2.3, 12.4.3.1, 12.4.4, and 12.4.6, to allow more than the allowed maximum area of signage at 1475 Newman Avenue, Plat 29, Lots 1 & 2 in a Local Business Zone containing a total of 12.41 ± acres.

2010-23 ALM Supermarkets Three, LLC, 1475 Newman Ave, Seekonk, MA, Owner, by Stephen E. Navega, Esq., 447 Taunton Avenue, Seekonk, MA, Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Variance and/or Special Permit** under Sections 9.4.4.1.5, 9.4.4.2.8 and 9.4.4.3, to allow new construction, reconstruction, addition(s), lighting, additional signs and signage, a multi-lane drive-through, and parking to existing land & buildings within the Groundwater Aquifer Protection District at 1475 Newman Avenue, Plat 29, Lots 1 & 2 in a Local Business Zone containing a total of 12.41 ± acres.

G. Sagar Mr. Chairman, if I may be heard. I would like to read into the record the petition I filed on December 21, 2010. It was addressed to Janet Parker, Town Clerk from the Zoning Board of Appeals. The subject is 1475 Newman Avenue case 2010-21 and 2010-23.

“As a member in good standing of the Zoning Board of Appeals, and voting on the prevailing side of petitions 2010-21 and 2010-23, I hereby file under Robert’s Rules of Order to rescind all actions relative to these petitions, and reconsider our votes relative to all actions concerning signage at 1475 Newman Avenue for all the proposed uses. This action to “Reconsider the vote” and have such motion “entered on the record” is made on the next succeeding day of our actions of December 20, 2010.

This action is also supported by all members voting in favor (4) at the ZBA meeting of December 2010. I hereby request this action to rescind and reconsider be scheduled for the next Zoning Board of Appeals meeting, as the first agenda item on January 3, 2011 at 7:00 PM, with an alternative inclement weather date of January 4, 2011 at 7:00 PM.”

MOTION:

It is signed by me, Gary S. Sagar, Vice Chairman. I ask that this be entered into the record and also be a motion before this Board

K. Rondeau seconded the motion to rescind and reconsider.

FURTHER DISCUSSION:

Ch. Grouke The motion has been made and seconded to rescind and reconsider so we will have a discussion on that motion before we vote on the specifics. Mr. Navega do you have anything you want to say about the motion itself right now?

Atty. Navega Yes. I filed a written objection to the Town Clerk on December 22, 2010. I would like to read it into the record. It is to Janet Parker and Gary Sagar, Vice Chairman.

“Regarding the matters above-captioned, please enter my formal objection to the request for rescission and reconsideration recently filed with your office by the Zoning Board of Appeals. Please note that the zoning petition and public hearing(s) have been properly filed, advertised, convened, testimony taken for and against, closed, discussed and debated and motions made and seconded, and, finally, votes taken and recorded. Kindly record my objection on the record of proceedings or take whatever other appropriate action.”

This is signed by me. I would like to enter that into the record tonight.

Ch. Grouke Your objection is duly noted Mr. Navega. Okay, discussion on the pending motion.

- G. Sagar I would like to say that I think in the best interest of this Board and the process, I would like to see the matters reconsidered and re-decided.
- Ch. Groucke Okay, the motion does it deal specifically or solely with signage?
- G. Sagar Signage is the only issue before us.
- Ch. Groucke Shall we discuss what specific areas of signage are addressed by the motion?
- G. Sagar I would like to start with a call for a vote to rescind all of our votes on signage and start with a clean slate.
- Ch. Groucke Is there a second?
- K. Rondeau I will second that but I think we have a motion to second already on the floor.
- G. Sagar Yes, basically that is what I am looking to do.
- Ch. Groucke My thought on that is I am going to reserve the right, I might vote to rescind but might vote in favor of some of the original decisions.
- G. Sagar My understanding here is that everything is on the table and we can either reaffirm what we have done or make another vote.
- Ch. Groucke Okay. We have a second. All in favor of the motion?

VOTE:

voted unanimously by: Ch. Edward F. Groucke, Gary Sagar, Keith Rondeau, Mark Brisson and Robert Read.

VOTE: (Approve 5-0)

- Ch. Groucke Okay we will discuss the specific signage issues now.
- G. Sagar I may have missed it on the original presentation but I have just learned there are two sign companies here representing this one petition. One is for Stop & Shop and one for CVS. The individual that did the signage for Stop & Shop is the author of this tabulation, these two pages in front of us. I would like to use this as a basis to start with and correlate it with the actual relief that has been requested by the petitioner.

- K Rondeau I think part of the confusion at the last meeting was the fact there was so much relief being requested that, each individual sign, we need to assign to it a particular bylaw that they are asking for relief. We need to study these individually. That was part of my objection last week too on the 20th with some of these decisions. I wanted to have the time to be able to study these and take a look at them, etc and also to assign values if you would, the values being which bylaw goes to which sign and what relief they were looking for. It was too much thrown on the table and not specific enough. I think that is what Gary is looking for too, there was not enough specificity.
- Ch Groucke Do you want to take it separately by Stop & Shop and CVS?
- G Sagar I think if we do it by structure first, that might be the easiest.
- Ch. Groucke Correct me if I am wrong but we are looking at three different categories, CVS, Stop & Shop and the pylon sign.
- K Rondeau And there is also reference to the future retail next to Stop & Shop also.
- G Sagar Because this does front on two streets, he is allowed additional size on the sign. At furtherance, at his request because he does front on two streets, I requested a copy of the deed and it references he fronts on two streets and he is entitled to that I believe. I question though, and it has been the past practice of this Board, and we can't use the Stop & Shop on Highland Avenue as a guide because that signage is not what we approved, I think a lot of the signage that is on here is not permitted. It has not been allowed in the past, I think if we start issuing variances to allow signage based on this tabulation we have that was given to us, the welcome, great food, low price, the flavorful meats, the natural food, the fresh bakery and the fresh picked produce. I believe he is allowed the Stop & Shop, he has it at 96 sq ft. 211 sq ft is allowed by right however the maximum is 200, if he is entitled to 211 sq ft, I have no problem giving him the size he needs but he has to be limited to what the actual signs are.
- K. Rondeau What you are saying is we could grant relief for the size of the letters "Stop & Shop".
- G. Sagar The signs that they show here now do not currently exist on that building. They could make the sign bigger, but my concern is if we give variances for all this other (signage) that is clearly not allowed under they bylaw, it would open up the floodgates.
- M. Brisson How do you segregate the total tabulation vs. each individual sign?
- G. Sagar The bylaw talks about they can be directional in nature.

- Ch. Groucke Section 12.4.2.1 states one sign affixed to the exterior shall not exceed an area of 200 square feet or 5% of the face of the wall.
- M. Brisson Are you saying we have to look at separate signs for each one of these words and you are saying it is not? Does the bylaw specifically state that?
- Ch. Groucke It says one sign. The issue is are the “welcome, great food, low prices, flavorful meats” are they additional signs over and above the one? I think that is one point. Then we had a history with this issue over on Commerce Way. I had another thought, if we were to deny, saying you could only have one sign, putting aside Highland Ave., I would assume that if we deny it the Stop and Shop sign could be 200 sq ft. It might be in compliance with the bylaw but it might be less desirable.
- G. Sagar They can go up to that. It is like the speed limit is 65, you don’t have to drive 65, you can go 60.
- Ch. Groucke Sometimes we have done too is say if you agree to reduce your main sign then we will give you these additional signs as long as you stay within the 200 square feet.
- G. Sagar So you find that it is okay to allow all these additional signs as long as they don’t exceed ...
- Ch. Groucke I would not say that this is a rule I would adopt across the board but in this particular case and for this particular building and location, it might be something that is acceptable as a compromise.
- M. Brisson That makes sense.
- R. Read Where would they put a 200 sq ft sign?
- G Sagar I think your argument has merit.
- K. Rondeau As far as the argument that these are directional signs, we have taken the stance before that if there is another type of business or a business that is unrelated to the main business inside the same building, that we would allow what we termed directional sign on the side of that building.
- R. Read I think that is the one on the top of the page 12.3.2.8.
- K. Rondeau We might have taken that 12.3.2.8 and molded it if you will to take the stance that if it was a building within a building or a business within a building, we would allow what we termed a directional sign, like a bank inside of a supermarket, or a tool rental within a store, or tire sales within

one of the stores, not advertising what is being sold within the premises itself. I think that is why we termed it directional.

Ch. Grouke On that basis we have allowed some additional signage on some buildings but I don't think these sub-signs for Stop & Shop could be interpreted as directional in any way, shape or form.

G. Sagar The reason they are entitled to the additional square footage is because he has frontage on two streets, so instead of making that one big Stop & Shop sign, they want to split it up with all the other signs but it is still within the bylaw based on these calculations.

K. Rondeau It is to allow a second sign, not an increase in square footage.

G. Sagar Under 12.4.2.2 he can the two can't be larger than the 150% of maximum allowed area.

K. Rondeau So if there are two signs, both of them can't be 150% of the maximum allowed. If they wanted the extra sign that would be 300 sq ft combined, or 200 sq ft for one.

R. Read It would still be 200 sq ft maximum and 300 combined.

K. Rondeau If you are only going with one sign, it is still 200. These are all individually mounted signs.

M. Brisson That could be one fascia board that they stick letters on.

K. Rondeau If that is the case, then it would be the second sign.

Atty. Navega It is called a sign band, it is one band with individual letters on it. They are plastic or metal adhered to the sign band not illuminated.

R. Read If that is the case, why do you have each one listed separately for square footage? Why don't you have the square footage beginning with flavorful meat and ending in welcome?

Atty. Navega That is the way it is written, but it is a sign band. They are individual plastic adhered to that band, non-illuminated.

R. Read On the adjacent retail to the left, that signage area, any signs would be limited to that area?

Atty. Navega That is correct, identifying signs identifying the company.

- G. Sagar On page A1 you show one area for signage on that new building and on page A4 you show 3 areas.
- Atty. Navega The signs A1 shows you the existing CVS, not the addition.
- G. Sagar Page A2 is that calculated into signage calculations for Stop & Shop?
- Atty. Navega No.
- G. Sagar So A1 that is all going to be part of Stop & Shop and that is all going to be calculated within 200 sq ft?
- Atty. Navega No, A4 is pad B that is no longer part of this.
- G. Sagar So that is what you are calling the parcel building, A4 and parcel building are one in the same, correct?
- Atty. Navega Yes.
- Ch. Groucke A2 is showing that signage area the new retail addition on Stop & Shop?
- Atty. Navega The existing building.
- G. Sagar Where is the new building adjacent to Stop & Shop?
- Atty. Navega It is not shown on the sign plan, only the site plan.
- G. Sagar What you are requesting, A1 and A2, taken on whole will not exceed 260 sq ft on the face if you get the relief you want?
- Atty. Navega If we get the relief we will live with that. 197 sq ft plus 60.
- R. Read To get back to the adjacent retail, it will be a different company name it will be their own and not included in the 200 sq ft but no more than 60 sq ft?
- Atty. Navega Yes, that is for a future tenant. The 9,000 + addition goes on to that Stop & Shop building, if you allow us the 197 sq ft for the Stop & Shop building, the new tenant their signage would be 60 sq ft.
- G. Sagar Under your scenario for Stop & Shop that you are proposing, under your interpretation of the bylaw, you would be allowed 300 sq ft but you are requesting 200. So you are actually 2/3 of the maximum but you need to barter to get to that.
- Atty. Navega Yes.

- K. Rondeau You keep missing the point here. Every one of those signs are individual signs, and are not allowed. You can barter with the size of the Stop & Shop sign, but those other signs are not allowed. You either need to grant a variance and special permit to allow them and then go forward but they are not allowed to this point and they have not been allowed anywhere else in town. They can't be included, they are all individual signs, they are all broken up.
- Ch. Groucke Unless you interpret it as one panel sign.
- K. Rondeau They are not, they are all broken up.
- R. Read And if you measured the whole strip, it would be more than 200 sq ft. Where would the great food sign go?
- Atty. Navega It is on the tabulation but not shown on the plan.
- G. Sagar Can we agree that they would be entitled to a Stop & Shop that is 300 sq ft in size?
- K. Rondeau No, they are allowed one Stop & Shop sign 200 sq ft and if they want two signs they could go up to 300 sq ft. If they want to put two big Stop & Shop signs over each entrance, they could put two 150 sq ft signs to balance it off, or one in the back of the store.
- Ch. Groucke Are you saying it would have to say Stop & Shop?
- K Rondeau Yes, that is what the bylaw says.
- G. Sagar How big is the existing Stop & Shop sign that is there now?
- Atty. Navega The current Stop & Shop sign is 96 sq ft. and I would like to use the remaining square feet for the other signs. Gentlemen, have you ever taking into consideration 12.4.2.3? My understanding is if it is a sign that identifies the ownership, it is exempted from the square footage requirement. That is open to interpretation but that is the way I read it. "Exception to the area limitation is allowed for individually mounted letters mounted directly on the face of the building for the simple purpose of displaying the occupying company name." I say that the word "Stop & Shop", you can take that right out of the square footage calculations. It identifies the company name.
- K Rondeau I read it as only for the area limitation for Stop and Shop, so as long as you don't go over the maximum, not the sign itself. You are saying it if it says Stop and Shop, you can just exempt the company name from the whole sign package, you can't do that. I read it as "the exception to the area

limitation is allowed for individually mounted letters mounted directly on the face of the building for the simple purpose of displaying the occupying company name.” In other words, as long as you don’t go over 20% of the height of the building face, and the maximum height of the letters is 4’, if it says “Stop & Shop Supermarkets” you could increase the size of the sign to include “supermarkets” if that was the name of the company. A company name with a very long name, that would be the exception, so you could get the name up there. It is not making the company name exempt from the sign package it is making the company name exempt from the square footage when the circumstances are that it is a long company name.

- M. Brisson Stop & Shop is not their company name.
- Atty. Navega I take exception to your interpretation, individually mounted letters identifying the company name, less than 4’, they don’t go over 20% of the height of the building are allowed by right and they also are exempt from the square footage calculations.
- K Rondeau I am reading as it says they are exempted only from the area limitation, it is that one specific for displaying the company name so if you have a long name you could do it without consequences.
- G. Sagar In reading the totality of 12.4.2.3, I could support 260 square feet as they are proposing.
- Ch Grouke You mean the 197? They are saying 197.
- K. Rondeau But those are all individually mounted signs.
- Ch. Grouke The other thing too is theoretically, because of the frontage on two streets, they could have two signs. So they could have two Stop & Shop signs, if you interpret it that way. It would be impractical and foolish to do that in this case.
- K Rondeau The reason this bylaw is in place is, we are beating this to death but the Country Kitchen faces two streets, if we allow this to happen tomorrow Country Kitchen could put their menu on both sides of the street and count it as one big sign. That is effectively what we would be doing.
- Ch Grouke If the bylaw allows extra signage for any building that fronts on two streets then they can apply for it and maybe they can get a building permit, depending on how the Building Inspector interprets it, we are not opening floodgates for that.
- K Rondeau If we do that, you are opening the floodgate for every single business in town to do the same thing. Advertise everything they want to that is

inside and call it one sign. They could do it on one street as long as they don't go over 200 maximum. That is why the sign bylaw limits the signs the way they do so this won't happen. No matter which way you look at it, these are all individually mounted signs except for the name Stop & Shop. You have the main Stop & Shop sign and all the other individually mounted signs, no matter how you look at it.

- M. Brisson This building is over 200' off the road.
- K. Rondeau Unlike others on Route 6, there is nothing blocking the way. They have been accepted in the past when there is either landscaping and or other buildings that have blocked the view of the building.
- R Read Can they have one 200 sign or can they break that up and have more than one sign?
- Ch Grouke By right, they can have two signs that say Stop & Shop somewhere on that building whether they want to put it on the front, the side or the back.
- M Brisson If you take the total of all the other signage items, it is less than 100 sq ft and within one sq ft, if we give them a variance for the strip sign as the second sign to make up 300 sq ft allowed by having a second sign, it is something to throw out there.
- Ch Grouke We could give them the "welcome, fresh foods" etc signs, in exchange for the second sign. There is some precedence for us saying we will grant you a variance and in exchange, you will agree not to go for that second sign you are entitled to.
- G Sagar If you were granted a special permit and variance it would be with the understanding that you would not ask for the second sign under 12.4.2.3.
- Atty. Navega Yes, we would agree to that.

MOTION:

G Sagar made a motion to grant a Special Permit and Variance in accordance with the tabulation, R Read seconded

FURTHER DISCUSSION ON THE MOTION:

- K Rondeau I do not want to go down that road, talk about a slippery slope, we just devastated the sign bylaw if we do that, really and truly it is going to be open season.

- G Sagar I respectfully disagree with that. I think on an individual basis with it being on two streets, they are not at the max, this being over 200 feet from the street, I think the circumstances for this site, we can support it.
- Ch Groucke I think there are enough particular things about this parcel, involving not just the two streets, to support it.
- K Rondeau Where is the hardship? There is none. There is not a single hardship there, if they want to put a second sign on the back of the building, they could they are entitled to it.
- Ch Groucke Yes but the sign on the back of the building is impractical.
- K Rondeau But that is the purpose to the bylaw and the exception. The exception is meant for that type of circumstance it is not to garnish favor.
- Ch Groucke We are not trying to garnish favor. I think you are right about if there is frontage on two streets the typical case would be to allow a second sign on the other street for the visibility issues. In this case they could have a second sign, it does not say it has to be on the other side of this building.
- K Rondeau I think the implication is that it should be. This board talks about the sign bylaw not being written properly and having a lot of things omitted but at the same time, the implication is there that the extra sign for when the building is fronted on two streets is to allow the company's name to be on that building to identify that building.
- G. Sagar As a practical sense, if you put those signs on the back of building, and lit them up the first thing you would hear from is all the neighbors who live in the back. I think this is a unique circumstance, I can understand Keith's apprehension about not wanting to establish a precedence but this is unique enough.
- K. Rondeau I see no uniqueness and no hardship.
- Atty. Navega I am not trying to educate you or preach to you but a hardship is a nebulous word, it is very difficult. The bylaw, which come from the general laws talks about a variance and you can give it if a hardship exists owing to the soil conditions, size, shape of the land or structure but not affecting the zoning district. We are going to have a situation where pad b is going to be removed from consideration, you have an area that some people consider forest area, that is how it is going to be right now if that pad a (the CVS pad which is allowed) goes up there it is going to cause a situation where you are going to have a visibility problem coming north from Newman Avenue, it is 300' from the intersection, the signs we are talking about are not illuminated; I would suggest to you that it is a

hardship. It does not talk about the extent of a hardship but financial or otherwise to the petitioner and I say that we meet the criteria for a prima facie case for a hardship. It does not have to be insurmountable or unbelievable or 5,000 feet off the road, you have granted this kind of relief to Target, BJ's and a multitude of other stores based on that theory. There are many people who come here particularly when they are homeowners come in and never talk about hardship, and the relief they are looking for makes sense and this board, I have found was a sensible board and granted relief the homeowner wanted without the issue of the definition of a hardship but the fact of the matter is that a hardship is in the eye of beholder and you are the beholder. This package makes more sense, we are not even 4' on the Stop & Shop sign, we are 3' this package makes more sense from an aesthetic point of view without derogating from the bylaw to grant the relief we are looking for under that hardship theory because it looks better than two Stop & Shop signs. They could put all that verbiage on one Stop and Shop sign but it doesn't make any sense, it looks better for the town, the board members, the neighbors, the motoring public, everyone concerned, it is not an insurmountable burden to meet hardship.

VOTE: and so voted by: Ch. Edward F. Groucke, Gary Sagar, Mark Brisson and Robert Read.

VOTE: (Approve 4-1)

K Rondeau voted against and stated for the record because these are all individual signs they do not meet standards of the bylaw.

- K. Rondeau Mr. Navega, just for clarification, you are not looking for relief for the retail adjacent to Stop & Shop is that correct.
- Atty. Navega Correct, we are limited to the 197 and 60 sq ft as shown on A1 and A3.
- Ch. Groucke Let's move on to discussion of the pylon sign.
- G Sagar How tall is existing sign that is there now? I think 27' is too excessive. They are allowed two free standing signs because they front on two streets. (Section 12.4.4) The top edge of any free-standing sign shall not be higher than 25' and they are going 2' above it. The existing sign is 19.5 ft. You are allowed (2) 25' high signs.

- K. Rondeau You are allowed one free standing pylon sign.
- G. Sagar If you go to 12.4.3.1, the exception is to allow 2 if the property fronts on two or more streets.
- Atty. Navega This is similar to the relief we sought and were granted at the corner of Fall River Ave. and Taunton Ave. with the Compass Bank. When they did that lot, you may recall that we were allowed 2 pylon signs and we gave up the Fall River Avenue sign to get the Taunton Avenue sign to 120 sq ft. It was a compromise. Let me describe a little bit about this sign. The height of the sign is really only about 22' and it is the architectural peak that makes it 25, but the sign itself, with a flat top is about 22' but architecturally it doesn't look good so the peak makes it aesthetically pleasing.
- K. Rondeau Section 12.4.6 in the bylaw you are allowed two signs one on the back of the property and one in front. What you are really looking for is 2' in height and 60 sq ft sign space additional.
- G. Sagar What is the distance off the street you are going to put this?
- Atty. Navega This is the existing sign, talk about aesthetically not pleasing.
- R Read This shows room for six tenants.
- K Rondeau I would be apt to, if it was 2' lower so it was within the sign bylaw as far as the height that should suffice for the neighbors and allow them the extra 60 sq ft for signage within that sign.

K Rondeau made a motion to allow the single pylon sign with no more than the maximum of 25' in height which is in compliance with the sign bylaw and grant relief under section 12.4.6 for 120 sq ft of sign area, vs. 60 sq ft allowed by the bylaw with the stipulation that they do not erect the second sign they are allowed, that this is the only pylon sign on the property G. Sagar seconded **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and Robert Read.

VOTE: (Approve 5-0)

- Ch. Grouke The third issue is the signage on the CVS.

- G Sagar I want to state that this was, if I had to identify one single issue that motivated me to file for the reconsideration, it was CVS.
- Janet Tessier 1470 Newman Avenue (Arrived at 8:15- the Board updated her on the events that took place at this meeting prior to her arrival.) Ms. Tessier requested that the pylon sign be moved farther north away from the homes since it will be higher and larger.
- Atty. Navega It is the same location as the current sign. I don't know how that will affect the egress and the parking.
- G. Sagar Mr. Navega could you make every effort to move the pylon sign further north without interfering?
- Atty. Navega Certainly.
- M Brisson Moving the sign would take away from the parking layout.
- Atty. Navega I am sorry, it is not proposed to be in the same location as the current sign, it is proposed to be 15' setback as shown on second page, it is approximately 6 parking spaces, so approximately 60' north from where it is now.
- Ch. Grouke Now we are considering the CVS signage.
- Gary McCoy Poignant Sign Company, sworn in
- G Sagar In our previous vote, we allowed them additional signage on the northerly side of the building facing the Ritz Dinette side.
- G. McCoy With all the back and forth at last meeting, I tried to go back to the board to confirm what we were approving, we referred to this rendition date of 10/14 and this project #4146. This is the print we utilized to confirm what we were approving and my understanding was when we were done, this print was approved as submitted minus the photo sign. I want to make sure we have one print with the dates. My understanding was it was approved as submitted minus the photo sign.
- G. Sagar You did this and the other sign representative did this. So you are showing 120 total and he is showing 378.
- G. McCoy If you look at the calculations, I can't speak for whoever did the table, but at first glance, it looks like some of the numbers are rounded up. As the

sign vendor for CVS in the northeast these are the specific square footages we use when we measure their signage. There was confusion and crossover with getting the packages to the board in a timely fashion. There are more signs on the rendering than on the one I passed out.

G Sagar Referring to the size, has he exceeded the size of the individual letters that he is allowed?

G. McCoy Our height restriction is four feet and that is what we are asking for. The CVS letters are 48" high.

G. Sagar I would like to go over the chart starting at the top. West elevation facing Newman Avenue; CVS pharmacy and drive thru pharmacy. Do we really need the word pharmacy after drive thru after we have established what the place is. South elevation is facing the parking lot. We have eliminated photo. The north elevation, that is facing the Ritz Dinette, that is smaller only a three foot, they have reduced it from the 4' but they need a Variance from us to go on three sides. That is on the building itself. What are your thoughts about the canopies and all the directionals? It seems excessive.

G. McCoy The canopy is the drive thru area, there is some directional signage on that, there is a three sided fascia and if you look at the north elevation, you see two sides of it, at the end it says drive thru pharmacy, on the exit side it says drive thru pharmacy exit to keep people from going in through the opposite direction and the, east elevation it shows drive thru pharmacy and says full service/full service. I can make this very simple, the only thing I really need on this canopy is that one sign - the entrance sign as identified as the east elevation that says drive thru pharmacy full service full service. The other two I don't need to have those.

G Sagar Okay lets cross those right off.

G. McCoy We are talking about the canopy only.

K. Rondeau You are going to have directional signs on the pavement correct?

G. McCoy They do paint it, I don't have control over that. They typically put markings on the ground. I can see where we are going with this. I really need to have the sign on the canopy.

G. Sagar I can agree with the one and eliminate the other two. Now directional (signs) do you need all of those?

G. McCoy CVS is in the health care business, there is no advertising on these signs. They are non lit, they don't do anything for CVS other than protect the

public. If the board thinks they are not necessary and not needed, again there is no value for CVS in having these signs, all they say is enter and exit, I would say it is important to have them. I replace hundreds every year because they get run over because people don't pay attention. We replace hundreds so we don't have to have them there. They are there as a safety measure, they are 40" high non lit, they have reflective vinyl but if the board feels they are unnecessary...

G Sagar It makes sense what he is saying.

K Rondeau The directional signs you don't need them, is that what you are saying?

G. McCoy They are there as a courtesy for the public and for safety. If the Board feels they are unnecessary and don't want them...

K Rondeau I would rather have the directional signs for the entrance and exit to the pharmacy than the do not enter, etc. but it looks to me based on the second page, you really have to go all the way around the end of the building to the loading dock area and come back and around for the drive thru and if you are not familiar with it, you won't know where you are going.

G. McCoy You really need to reinforce that message whether it be on pavement or signage, again, they are non-illuminated, no logos on them.

R Read You have the name of company on three sides, you are only allowed two.

K Rondeau You are allowed to have it on two. He is not fronting on two streets, he is only fronting on one street. It is an end building, we have said if you are an end store on a street; we granted to Advanced Auto to allow one on the street as well as one on the front of the building if you are facing the parking lot. If you are looking at the site plan, we could do a variance for the one facing the street and the one facing the parking lot but for the one facing the Ritz on the side of the building, we haven't done that before, I think it is superfluous.

R Read Also, the pylon is right there right next to it, you can see it.

K Rondeau Really the one sign they are allowed...

G. Sagar So they are allowed 1; 2 and 3 would be by Special Permit, I could see the one on the south elevation facing the parking lot. So there would be one on the West and South elevation and not the North. Right now, that building is set way back in the parking lot and they have one sign on the front and everybody knows where the CVS is in the north end of town.

MOTION:

G. Sagar made a motion to grant the Special Permit and/or Variance to allow the south elevation parking lot signage as depicted on the plans; not allowing the north elevation signage; on the south elevation they have to eliminate “photo” and on the canopy they eliminate the “drive thru”, “pharmacy exit” and “drive thru pharmacy” and the rest of it in accordance with plan 4146-R4 dated and amended 10-14-10 under Section 12.4.2.2 of the Zoning Bylaws, seconded by K. Rondeau

FURTHER DISCUSSION:

- K. Rondeau The east elevation canopy can you show me again?
- G. McCoy Although you can see it from the east side of the building, it is facing south.
- K Rondeau There will be signs pointing them to come around to the back of building, and they are expected to drive under that canopy to go to the drive thru and there are two lanes. I think right there he needs the signs on the canopy on the east elevation but he could do without the signage on the south.
- G. McCoy So the West elevation is fine as presented; the south elevation is fine as presented minus “photo”; the north elevation all signage is eliminated completely; and the East elevation is fine as presented. I just want to make sure I understood.
- G Sagar Yes.
- Janet Tessier 1470 Newman Avenue, sworn in. I see an area for three more signs on the pylons so what are the other spaces for?
- Ch. Grouрке They cannot do Pad B anymore, the only other building is going to be next to the Stop & Shop, we know there is going to be a new addition going there.
- G. Sagar This plan was last drawn on the 14th of October when plan B was still in consideration. All they can put on there, they have approval for 120 sq ft of signage but only allowed for the occupancy of the buildings that we have allowed, the Stop & Shop, the addition to the Stop & Shop and the CVS. If they want to come back before us to get Pad B, they would have to come back, and reconfigure.

J. Tessier I wanted to show you a picture of other CVS pharmacy and the one on Barrington has a colonial upgrade if the Town asks for it, in Cumberland they asked the CVS to add a steeple to match the church and they gladly did that. In New England the CVS is colonial and rustic and it is a word they use over and over in their terminology.

Ed Tessier 1470 Newman Avenue I know everyone is aware that we have a Town Plan (Mr. Tessier read from Town Master Plan regarding rural qualities of the Town).

Ch. Grouke The pending motion has been made and seconded relative to the signage on the CVS building, are we ready for a vote on that?

VOTE:

and so voted unanimously by: Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and Robert Read.

VOTE: (Approve 5-0)

K Rondeau made a motion that all the votes taken tonight will apply to all above decisions pending relative to Case numbers 2010-20; 2010-21; 2010-22 and 2010-23; seconded by G Sagar **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and Robert Read.

VOTE: (Approve 5-0)

G Sagar Before Mr. Navega leaves, I would like to have a brief discussion with him on future petitions. I would like to ask Mr. Navega if he thinks there is an easier or better way if we are ever confronted with a development of this nature for your submittal, this kitchen sink approach does not work.

Atty. Navega Here is the dilemma in my opinion. When you ask for a Zoning Determination letter from the Building Inspector and she throws in the kitchen sink. In response to that, I throw in the kitchen sink for client because I don't want to miss anything. I don't want a client of mine to get an approval and not be allowed to put in a drive thru because it is not allowed in the bylaw, or hours of operation or days of operation. I try to be specific when I have a client who needs zoning relief and I ask the

Building Inspector for a Zoning Determination A,B,C and I get back A, B, C, X,Y,Z. And out of an abundance of caution I put it in my petition. It is convoluted, it is unnecessary to put all this together. To streamline it, it has to be more detailed, has to be more specific to the petition. I think she does it out of an abundance of caution herself except it becomes...

G Sagar One of the problems is we get the determination letters, we get the answers to the questions, but we don't get the questions. In the future, I will ask Chris to get what was the question relied on. Don't forget the No Overnight Parking Signs.

Atty. Navega They are up.

ADJOURNMENT:

G Sagar made a motion to adjourn, seconded by K. Rondeau and **so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and Robert Read.

VOTE: (Approve 5-0)

Meeting adjourned at 10:45 PM

Respectfully submitted by:

Christina Testa, Secretary